

**MINUTES OF THE REGULAR COUNCIL MEETING
OF THE CITY OF PAOLA, KANSAS
5:30 O’CLOCK P.M.**

October 10, 2006

**HELD AT THE PAOLA PUBLIC WORKS BUILDING
29370 Old KC Road in Paola**

The Governing Body of the City of Paola, Kansas, met with Council President Jack Rowlett presiding.

Councilmembers present: Council Members Pritchard, Dial, Rowlett, and Hamilton.

Council Members absent: Mayor Stuteville

Also present: Clerk Droste, City Attorney Tetwiler, Public Works Director Bieker, Planner Givens, Police Chief Smail, Brian McCauley from the Miami County Republic, and others.

PLEDGE OF ALLEGIANCE: Council President Rowlett invited everyone in attendance to join in the Pledge of Allegiance.

Agenda Item 1 - CALL TO ORDER: The regular council meeting was called to order by Council President Rowlett.

Agenda Item 2 - ROLL CALL: Council Members Pritchard, Dial, Rowlett, and Hamilton were all present, Mayor Stuteville was absent.

Agenda Item 3 - PETITIONS, REMONSTRANCES, AND COMMUNICATIONS
No one addressed the Council.

Agenda Item 4 - CONSENT AGENDA

- a. **Approval of minutes of the meetings of September 26, 2006**
- b. **Approval of Salary Ordinance number 06-18**
- c. **Approval of Appropriation Ordinance No. 591**

Councilmember Pritchard questioned dinner expenses for Don Poore and hotel expenses for Bill Trout and Ross VanderHamm. Manager VanderHamm reported that Don Poore was in Washington DC for training for 3 days, Bill Trout was in training in Florida for a week, and that he was in San Antonio for 4 days.

Councilmember Pritchard made a motion to approve the Consent Agenda and authorize the Mayor to sign. Councilmember Dial seconded the motion and all voted aye.

Agenda Item 5 – REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Agenda Item 5a - Presentation by Mike Gage on “Fire Prevention Week” activities.

Mike Gage, Assistant Fire Chief, made a report to the Council on Fire Prevention Week which is being held this week. On Monday, the department made 7 presentations in the morning and 5 in the afternoon at Cottonwood Elementary. Today there were 7 presentations in the morning and 4 in the afternoon also at Cottonwood. On Wednesday, presentations are planned for the Presbyterian Church Preschool, the Baptist Church Preschool, Parents as Teachers Group, and Holy Trinity School. On Friday, a presentation will be made at Story Hour at the Paola Free Library, and the North School Head Start. Finally, on Saturday the department will be at Wal-Mart.

The program is sponsored by area businesses that support the Fire Safety Council. The Fire Department provides the manpower for the presentations. The Fire Department has been involved in the program since its inception in 1975. Additionally, the Fire Department is considering a program for Senior Citizens on fire prevention.

Agenda Item 5b - Presentation by Carol Everhart, President of the Chamber of Commerce, on upcoming events.

Carol Everhart, President of the Paola Chamber of Commerce, reported that each year on the Friday before Thanksgiving, the Chamber sponsors the Christmas Tree Lighting Ceremony at the Park Square. This year the Chamber Board voted to honor the Paola Public Works Department by having them turn on the switch to light the tree. This is in recognition of the wonderful job that the Public Works Department has done in maintaining the City and the Park Square.

Agenda Item 5c - Consider a Waiver of Notice of and Hearing on Special Assessments for the Best Western Hotel project.

Manager VanderHamm presented a Special Assessment Waiver for the Best Western Hotel Project. Since the property is financed by Industrial Revenue Bonds, both the City and Spring Star Development, LLC have signed the waiver.

After discussing the waiver, Councilmember Hamilton made a motion to approve a WAIVER OF NOTICE OF AND HEARING ON ASSESSMENTS; CONSENT TO THE LEVYING OF ASSESSMENTS BY APPROPRIATE PROCEEDINGS OF THE CITY OF PAOLA, KANSAS; WAIVER OF THIRTY DAY PRE-PAYMENT PERIOD AFTER LEVYING OF ASSESSMENTS; AND CONSENT TO THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE CITY OF PAOLA, KANSAS, ALL IN CONNECTION WITH CERTAIN IMPROVEMENTS AUTHORIZED BY RESOLUTION NO. 2005-008 AS AMENDED BY RESOLUTION NO. 2005-018 OF THE CITY. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 5d - Consider Adoption of an Ordinance levying special assessment taxes on the Best Western Hotel project.

Manager VanderHamm presented an ordinance levying the special assessments for the Best Western Hotel Project.

After discussing the ordinance, Councilmember Pritchard made a motion to approve AN ORDINANCE OF THE CITY OF PAOLA, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, TO PAY A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS BENEFITING THAT PROPERTY; PROVIDING FOR THE GIVING OF NOTICE OF THE SPECIAL ASSESSMENT TAXES; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENT TAXES (BEST WESTERN MOTEL STREET, SEWER AND WATER INFRASTRUCTURE). The motion was seconded by Councilmember Dial and all voted aye. Clerk Droste assigned No. 2930 to the Ordinance.

Agenda Item 5e - Consider approval of an Ordinance authorizing the issuance of \$2,000,000 in temporary financing bonds for interim construction costs for the Marais Des Cygnes Public Utility Authority water treatment plant and improvements.

Manager VanderHamm presented an ordinance authorizing the issuance of \$2 million in temporary financing notes to provide interim financing for construction costs for the Marais Des Cygnes Public Utility Authority (MDC PUA). He reported that the MDC PUA met on October 2nd and discussed the need for funds for the project. When permanent financing is provided for the project by the MDC PUA, the temporary notes and the prior \$800,000 will be repaid to the cities.

After discussing the ordinance, Councilmember Dial made a motion to approve AN ORDINANCE AUTHORIZING THE CITY OF PAOLA, KANSAS TO MAKE WATER SYSTEM IMPROVEMENTS, AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS OR TEMPORARY NOTES IN THE PRINCIPAL AMOUNT OF \$2,000,000 TO PAY CERTAIN PRELIMINARY COSTS OF SUCH IMPROVEMENTS. The motion was seconded by Councilmember Pritchard and all voted aye. Clerk Droste assigned No. 2931 to the Ordinance.

Agenda Item 5f - Consider approval of agreements with Bartlett & West for design of temporary booster pump and control vaults for the new water tower.

Manager VanderHamm presented agreements with Bartlett & West for design of temporary booster pumps and control vaults for the new water tower. The contracts are based on an hourly rate with a not to exceed amount of \$19,800 for the temporary booster pumps and \$8,400 for the control vaults. An addendum was added to the contracts to delete article 7 which replaces the standard arbitration clause with the language that was approved by the City Attorney

The Public Works Department will work with Bartlett & West on the construction on both projects. Full cost estimates for the projects are \$330,000 with hopes for saving \$100,000 to \$165,000 by having the Public Works Department provide the majority of the work on both projects.

Councilmember Pritchard made a motion to approve agreements with Bartlett & West for design and bidding services for a temporary booster pump in the amount not to exceed \$19,800.00, and

control vaults in the amount not to exceed \$8,400.00. The motion was seconded by Councilmember Dial and all voted aye.

Agenda Item 6 - NEW BUSINESS

Manager VanderHamm reported that several dangerous structure issues have recently been addressed by the Community Development Department. In addition to increased enforcement of nuisance abatements, the department is beginning quarterly inspections of our downtown buildings.

Manager VanderHamm reported that the Kansas Department of Health and Environment (KDHE) has contacted Taylor Forge regarding their dust control issue. According to KDHE, a “plan of correction” has been submitted by the company, which KDHE will monitor. Further local complaints will be forwarded to the State and addressed as part of the progress in minimizing the dust.

Public Works Director Bieker discussed his memo regarding street mill & overlay work that will be done in the next few weeks. Because Miami County’s schedule doesn’t allow them to help us the projects will need to be reduced. Bieker reported that in addition to the mill and overlay projects, sections of Ryan and Diamond Streets would be paved with new asphalt. The challenges associated with Ryan Street were discussed.

Manager VanderHamm reported that City Hall has had a few calls regarding the chip and seal projects. Chip and seal is much less expensive than a mill and asphalt overlay, for example you can seal a block for @ \$1,000 and mill & overlay for @ \$9,000 per block. Cities all over the state use chip and seal as a maintenance program to extend the life of a street before it needs to be milled & overlaid. Our chip & seal program this year amounted to 37 blocks at a cost of \$30,000, if a mill & overlay was used would have cost \$333,000.

Manager VanderHamm also reported that the 2008 Capital Improvement Plan (CIP) process will begin next week. The calendar, goals & objectives, and criteria for the CIP process was discussed.

Manager VanderHamm asked the Council if it desired to have the annual Christmas dinner at Evergreen Events again this year. The Council agreed that the dinner was very nice and well attended and it was the consensus to hold the event at Evergreen Events again this year.

Councilmember Hamilton reported that he and Police Chief Smail attended the Homeowners Association meeting at Indian Hills Subdivision. He reported that it was a very good meeting and that the group would be presenting a request for solutions to the traffic issues in the area.

Councilmember Dial had no new business to discuss.

Councilmember Pritchard requested that the Council consider moving City Council meetings from the County Commission Chambers to the Public Works Building permanently. He felt that the atmosphere is more relaxed and less intimidating at the Public Works Building. He asked the City Clerk to draft an ordinance for discussion and consideration at the next council meeting.

Councilmember Rowlett thanked Alan Hire for the new hotel in Paola. Mr. Hire reported that the facility passed the inspection by Best Western and they would be installing the Best Western signs soon. Occupancy has averaged between 15 to 25 rooms during the week, and this past weekend the hotel had only 4 vacant rooms. The hotel has a total of 39 rooms available.

Clerk Droste reported that he has been in contact with Suddenlink regarding the extension of cable TV service to Heatherwood and Cherokee Ridge subdivisions. Mr. Lee Mott with Suddenlink has indicated that the issue would be resolved but he did not yet have a definite calendar established.

Clerk Droste also reported that the City qualified for the “Bronze Star” discount for Workers Compensation Insurance premiums with the Kansas Municipal Insurance Trust. The city will receive a discount of \$819 for the current year.

Agenda Item 7 - EXECUTIVE SESSION - K.S.A. 75-4319(B)(6) is the authority for this recess.

Councilmember Pritchard made a motion to adjourn to Executive Session for 20 minutes for preliminary discussions relating to the acquisition of real property; the regular meeting to reconvene at 6:45 p.m. The motion was seconded by Councilmember Hamilton and all voted aye.

At 6:45 pm, Councilmember Dial made a motion to reconvene the adjourned meeting. The motion was seconded by Councilmember Hamilton and all voted aye.

Agenda Item 8 – ADJOURNMENT.

With no additional business to come before the Council, Councilmember Dial made a motion to adjourn the meeting. Councilmember Rowlett seconded the motion and all voted aye.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk